

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD F. ANDERSON, *et als.*,

Defendants.

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) Civil No. 6:08-cv-06426-MAT
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ORDER

WHEREAS, plaintiff United States of America filed a complaint on September 16, 2008, seeking to foreclose a judgment lien issued pursuant to 28 U.S.C. § 3201 obtained in the case of United States of America v. Richard F. Anderson, No. 00-CV-06284L (W.D.N.Y Nov. 6, 2000) and a judgment lien obtained in the case of United States v. Richard F. Anderson, Case No. 06-CV-6076 (W.D.N.Y. June 6, 2008), as well as federal tax liens assessed against defendant Richard F. Anderson for the tax years 1996 through 2001. (Docket Entry No. 1);

WHEREAS, the Clerk of the Court entered the default of defendants M. Patricia Smith, Commissioner of Labor of the State of New York; the New York State Department of Taxation and Finance; J.P. Morgan Chase Bank, as successor to Manufacturer's Hanover Trust Co.; and Midland Funding LLC (the "Defaulted Defendants") on March 6, 2009. (Docket Entry No. 12);

WHEREAS, on May 3, 2011, the Court conducted a status conference where the plaintiff and the defendants Richard F. Anderson and Maureen Anderson, his wife, were represented by respective counsel (Docket Entry No. 47.);

WHEREAS, the parties have agreed upon a settlement of the pending foreclosure action

and seek the Court's approval of the settlement which provides as follows: the United States will accept \$22,000 from the Defendant, Maureen Anderson, the wife of Richard F. Anderson, in full satisfaction of Defendant Richard F. Anderson's outstanding student loan liability, and in exchange for the United States' discharge of its lien against the Property, located at 1112 Five Mile Line Road, Webster, New York, in Monroe County, New York; and Richard F. Anderson shall convey his tenancy by the entirety interest to his wife, Maureen Anderson; and

WHEREAS the Defaulted Defendants having been served with process but having failed to plead or otherwise defend in this action, and the time for doing so having expired, and the Clerk having entered the default of the Defaulted Defendants, and the United States having requested judgment by default against the Defaulted Defendants, and upon consideration of the entire record in this matter and for good cause shown, it is hereby

ORDERED that judgment is entered in favor of the plaintiff, the United States of America, against the Defaulted Defendants, M. Patricia Smith, Commissioner of Labor of the State of New York; the New York State Department of Taxation and Finance; J.P. Morgan Chase Bank, as successor to Manufacturer's Hanover Trust Co.; and Midland Funding LLC, and it is determined that the Defaulted Defendants, have no right, title, claim or interest in the real property owned by defendants Richard F. Anderson and Maureen Anderson located at 1112 Five Mile Line Road, Webster, New York, in Monroe County, New York (hereinafter the "Property"); and it is

FURTHER ORDERED that the settlement agreement is approved, the Court finding that the terms of the settlement are fair and reasonable and that the settlement fully satisfies the judgment lien issued pursuant to 28 U.S.C. § 3201 obtained in the case of United States of

America v. Richard F. Anderson, No. 00-CV-06284L (W.D.N.Y Nov. 6, 2000); and it is

FURTHER ORDERED that the judgment lien obtained in the case of United States v. Richard F. Anderson, Case No. 06-CV-6076 (W.D.N.Y. June 6, 2008), as well as federal tax liens assessed against defendant Richard F. Anderson for the tax years 1996 through 2001, are discharged only with respect to the Property, located at 1112 Five Mile Line Road, Webster, New York, in Monroe County, New York; and it is

FURTHER ORDERED that the Defendant, Richard F. Anderson, shall convey his tenancy by the entirety interest in the Property, located at 1112 Five Mile Line Road, Webster, New York, in Monroe County, New York to his wife, Maureen Anderson, as a condition of the settlement; and it is

FURTHER ORDERED that within 15 days of the date of this Order that defendant Maureen Anderson will remit the sum of \$22,000 via a certified check or bank check made payable to “United States Department of Justice” and send the check to:

United States Department of Justice
Attn: Financial Litigation Unit
138 Delaware Ave.
Buffalo, NY 14202

and it is

FURTHER ORDERED that this case is hereby dismissed with prejudice.

ALL OF THE ABOVE IS SO ORDERED

s/ Michael A. Telesca
MICHAEL A. TELESKA
United States District Judge

Dated: Rochester, New York
May 16, 2011